

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

FEB 20 2017

JULIE RICHARDS-JOHNSTON, CLERK
US DISTRICT COURT, EDNC
DEP CLK

United States of America

v.

GARRETT GRIMSLEY

Case No.

5:17-MJ-1133-RN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 19, 2017 in the county of Wake in the
Eastern District of North Carolina, the defendant(s) violated:

Code Section

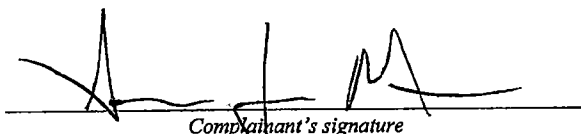
Offense Description

18 U.S.C. 875(c)

Transmitting a threat in interstate commerce to injure the person of another

This criminal complaint is based on these facts:

See attached Affidavit of Andrew Maurer

☒ Continued on the attached sheet.

Complainant's signature

Andrew Maurer, Task Force Officer, FBI

Printed name and title

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the applicant appeared before me via reliable electronic means and was placed under oath.

Date: February 20, 2017

Judge's signature

City and state: Raleigh NC

Robert T. Numbers II, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Andrew Maurer, being duly sworn, depose and say:

1. I have been a Task Force Officer of the Federal Bureau of Investigation (FBI) since August of 2014. During that time, I have conducted investigations in counter-terrorism cases in the United States and overseas. I have received training in criminal enterprise, conducting criminal and intelligence investigations, conducting searches and seizures, and effecting criminal arrests. Furthermore, I have been a police officer with the Cary Police Department since 2011 and formerly a Florida state trooper and Winter Park, Florida police officer since 1998; I have a total of 19 years of law enforcement experience.
2. This affidavit is made in support of a criminal complaint and arrest warrant against Garrett Grimsley charging him with transmitting a threat in interstate commerce to injure the person of another, in violation of Title 18, United States Code, Section 875(c).
3. The information contained in this affidavit is based on my personal knowledge of the facts and evidence, my training and experience, and information obtained from other law enforcement agents and witnesses. Since this affidavit is being submitted for the purpose of establishing probable cause for the issuance of an arrest warrant, I have not included each and every fact known to me concerning this investigation, and have set forth only those facts I believe are necessary for said purpose.

PROBABLE CAUSE

4. On or around February 19, 2017, Garrett Grimsley engaged in public and private communications with a cooperating witness (CW) on the messaging application Whisper. Whisper is a mobile electronic device messaging application service provided to users free of charge. Users access Whisper on a cellular phone device, either Android or iPhones. Whisper allows users to send or post messages or "whispers" anonymously, either publicly or privately. Whisper also has a Global Positioning

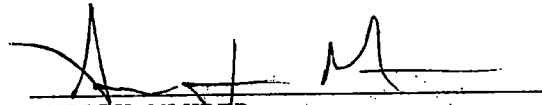
System (GPS) function that allows users to see public posts that are close to their own geographical area in order to promote discussion and contact among people that are located in close proximity to each other.

5. The CW encountered Grimsley under the local tab on Whisper, which indicated that the two were 12 miles away from each other. The CW was located in Cary, NC at that time.
6. Grimsley, under the username "Spark_Pure", had made a public post on February 19, 2017, stating "Salam, some of you are alright, don't go to Cary tomorrow." In the background was a picture of a bearded middle-aged male wearing camouflage pants and holding a red flag with a black star in the middle. The CW responded, "Why - what's happening in Cary tomorrow?"
7. The two then engaged in a private chat during which Grimsley stated: "Asalam alaikum brother. For too long the the kuffar have spit in our faces and trampled our rights. This cannot continue. I cannot speak of anything. Say your dua, sleep, and watch the news tomorrow. It will only be the beginning, insha'Allah." (NOTE: "dua" is Arabic for prayers, "insha'Allah" is Arabic for God willing, and "kuffar" is a derogatory Arabic term extremists use for non-Muslims). Grimsley added that he was deleting his Whisper account. The CW subsequently attempted to engage further with Grimsley by discussing excerpts of the Qu'ran, however Grimsley did not respond.
8. On February 19, 2017, Whisper provided Geo-Locate information for the postings made that day under the "Spark_Pure" account showing a Latitude/Longitude at the Weston Lakeside Apartments in Cary, NC. Whisper advised that these postings transferred through their servers located in California.
9. The data provided by Whisper also showed a recent accessed Internet Protocol (IP) address used by account "Spark_Pure" to access Whisper was 98.122.138.36:49818 (accessed on 02/18/2017 at around 23:40hrs). Whisper also indicated that the "Spark_Pure" user appeared to have accessed the account by means of an Apple iPhone using T-Mobile service.

10. On February 19, 2017, Time Warner Cable provided the subscriber account information for the user of the IP address 98.122.138.36:49818 which was used on 02/19/2017. Time Warner Cable identified the subscriber as Garrett Grimsley located at 3116 Lakeside View Ct. Cary, NC with a phone number of (910) 352-5109. A search of Accurant shows Garrett Grimsley with a current address of 3116 Lakeside View Court, Cary, NC and a phone number of (910) 352-5109.
11. Your affiant knows that the apartment at 3116 Lakeside View Court, Cary, NC was located inside the Weston Lakeside Apartments complex.
12. Open sources checks and law enforcement databases showed Garrett Grimsley lived at 3116 Lakeside View Court, Cary NC and utilized (910) 352-5109 as his phone number. Records also showed that (910) 352-5109 was assigned to service provider T-Mobile.
13. On February 19, 2017, law enforcement officers from the FBI and Cary Police Department executed a North Carolina state Search Warrant at the address 3116 Lakeside View Court, Cary, NC. Garrett Grimsley was present in the apartment alone and refused to answer questions by the agents.
14. Upon entry into the apartment, a computer screen was visible with several Facebook private messages between Facebook users "Garrett Grimsley" (UID: 100010298227636) and Facebook user "Tim Tam" (UID: 100011861693579). The "Spark_Pure" Whisper messages noted above had been pasted into the Facebook conversation.
15. The Facebook private messages between "Grimsley" and "Tim Tam" revealed a lengthy conversation indicating that they were both aware of the Whisper posts and that they were both expecting "Grimsley" to get "raided" by law enforcement. At one point, "Tim Tam" stated "we're going to be on CNN tomorrow god damnit" and later "I swear to god you're going to get a swat team". In an apparent reference to "Grimsley" spotting a law enforcement surveillance vehicle, "Grimsley" told "Tim Tam", "holy fuck I'm actually going to get raided."

16. Continuing in their conversation, "Tim Tam" and "Grimsley" then discussed accessing the internet anonymously and deleting the Whisper account Grimsley used. "Grimsley" sent "Tim Tan" a screen capture of Grimsley in the process of encrypting Grimsley's hard drive on his computer. The status of the encryption was 57% complete with eight hours left. "Grimsley" also said "hurry up, van is outside" to which "Tim Tam" replied "you're fucked kiddo".
17. When FBI agents arrived inside Grimsley's apartment, Grimsley's computer screen showed an encryption status of 63% complete.
18. Other Facebook comments made by "Grimsley" to "Tim Tam" included "Grimsley" stating "I yell about jihad and shooting all the people all the time, too much CSGO [likely reference to Counter Strike Global Offensive video game] and nasheeds [Islamic videos with speeches and music in the background]." "Grimsley" also posted a nasheed video called "Soldiers of Allah." "Grimsley" also stated, "the FBI will understand I was only reading Dabiq for the pictures, right?" (NOTE - Dabiq is an online extremist magazine published by the terrorist organization Islamic State of Iraq and Syria (ISIS)).
19. Also recovered from inside Grimsley's apartment was an AK-47 assault rifle with a collapsible stock, four 30-round magazines, and approximately 340 rounds of 7.62 millimeter ammunition.

20. Based on the above, I respectfully submit that there is probable cause to believe that Garrett Grimsley transmitted a threat in interstate commerce to injure the person of another, in violation of Title 18, United States Code, Section 875(c).



ANDREW MAURER
Task Force Officer
Federal Bureau of Investigation

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.

Dated: February 20, 2017



Robert T. Numbers, II
United States Magistrate Judge